

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

2009 NOV 17 A 11:17

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

Plaintiff,

VS.

DANIEL MELGOZA,

Defendant.

CRIMINAL NO. BY CLERK OF DISTRICT COURT
SA09CR90006
INDICTMENT

[Violations: 18 U.S.C. §242 -
Deprivation of Rights under
Color of Law; 18 U.S.C. §1519-
Falsification of Records in Federal
Investigations]

THE GRAND JURY CHARGES:

At all times pertinent to this Indictment:

1. The Bexar County Adult Detention Center, located in San Antonio, Texas, within the Western District of Texas, was a facility operated and controlled by the Bexar County Sheriff's Office, which is responsible for the custody, control, care, and safety of inmates housed at Bexar County Adult Detention Center.

2. Defendant **DANIEL MELGOZA** was employed as a detention officer at the Bexar County Adult Detention Center, and was responsible for the custody, control, care, and safety of inmates.

3. A.P. and J.S. were inmates housed at Bexar County Adult Detention Center.

COUNT ONE

[18 U.S.C. §242]

On or about the 8th day of December, 2004, within the state and Western District of Texas, the Defendant,

DANIEL MELGOZA,

while acting under color of law, struck A.P., and thereby willfully deprived A.P. of a right secured and protected by the Constitution and laws of the United States, namely the right not to be deprived of liberty without due process of law. This offense resulted in bodily injury to A.P.

In violation of Title 18, United States Code, Section 242.

COUNT TWO

[18 U.S.C. §242]

On or about the 8th day of December, 2004, within the state and Western District of Texas, the Defendant,

DANIEL MELGOZA,

while acting under color of law, kicked and struck J.S., and thereby willfully deprived J.S. of a right secured and protected by the Constitution and laws of the United States, namely the right not to be deprived of liberty without due process of law. This offense resulted in bodily injury to J.S.

In violation of Title 18, United States Code, Section 242.

COUNT THREE

[18 U.S.C. §1519]

On or about the 8th day of December, 2004, within the state and Western District of Texas, the Defendant,

DANIEL MELGOZA,

knowingly made false entries in a document, a Bexar County Adult Detention Center "Use of Force Report," concerning A.P., dated December 8, 2004, in relation to and contemplation of an investigation, involving the violation of constitutional rights described in Count One of this indictment, with the intent to impede, obstruct or influence the investigation or proper administration of a matter within the jurisdiction of the Federal Bureau of Investigation and the Department of Justice, agencies of the United States. Specifically, defendant **DANIEL MELGOZA** included in his report a false description of the circumstances surrounding his encounter with A.P. on the left side of Unit CI at the Bexar County Adult Detention Center.

In violation of Title 18, United States Code, Section 1519.

COUNT FOUR

[18 U.S.C. §1519]

On or about the 8th day of December, 2004, within the state and Western District of Texas, the Defendant,

DANIEL MELGOZA,

knowingly made false entries in a document, a Bexar County Adult Detention Center "Use of Force Report," concerning J.S., dated December 8, 2004, in relation to and contemplation of an

investigation, involving the violation of constitutional rights described in Count Two of this indictment, with the intent to impede, obstruct or influence the investigation or proper administration of a matter within the jurisdiction of the Federal Bureau of Investigation and the Department of Justice, agencies of the United States. Specifically, defendant **DANIEL MELGOZA** included in his report a false description of the circumstances surrounding his encounter with J.S. on the right side of Unit CI at the Bexar County Adult Detention Center.

In violation of Title 18, United States Code, Section 1519.

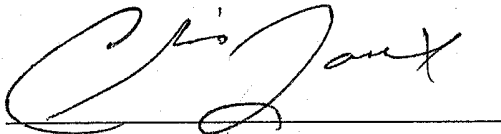
A TRUE BILL.



FOREPERSON OF THE GRAND JURY

THOMAS E. PEREZ
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

By:



Christopher Lomax
Trial Attorney
Civil Rights Division
United States Department of Justice